

**HOUSE JOURNAL
63RD LEGISLATURE
TWENTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana
February 7, 2013

House Chambers
State Capitol

House convened at 1:00 p.m. Mr. Speaker presiding. Invocation by Representative MacDonald. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Calf Boss Ribs, Squires, and Warburton, excused. Quorum present.

BILLS (O'Hara, Chair): 2/7/2013

Correctly printed: **HB 105, HB 158, HB 176, HB 177, HB 181, HB 228, HB 262, HB 272, HB 275, HB 277, HB 291, HB 320, HB 325, HB 395, HB 396, HB 397, HB 398, HB 399, HB 400, HB 401, HB 402, HB 403, HB 404, HB 405, HB 406, HB 407, HB 408, HB 409, HJR 3, HJR 7, SB 39.**

Correctly enrolled: **HB 41, HB 53, HB 73.**

Correctly engrossed: **HB 88, HB 213, HB 288, HB 315, HB 351.**

Examined by the sponsor and found to be correct: **HB 34, HB 35, HB 51, HB 56.**

Signed by the Speaker at 4:20 p.m., February 7, 2013: **HB 34, HB 35, HB 51, HB 56.**

Signed by the Chief Clerk of the House at 4:39 p.m., February 7, 2013: **HB 34, HB 35, HB 51, HB 56.**

Transmitted to the Senate: **HB 27, HB 78, HB 79, HB 133, HB 214, HB 217, HB 251, HB 258, HB 296, HJR 5, SJR 2**

REPORTS OF STANDING COMMITTEES

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Regier, Chair): 2/4/2013
SB 52, be concurred in. Report adopted.

EDUCATION (Hansen, Chair): 2/6/2013
HB 213, introduced bill, be amended as follows:

1. Page 1, line 13.

Strike: "tuition paid"

Insert: "a qualifying tuition payment made"

2. Page 1, line 17.

Following: "student."

Insert: "The dollar amount of the credit allowable under this section is limited to \$550 for each eligible student as provided in subsection (7)."

3. Page 1, line 26.

Strike: "is limited to one-half of the applicable amount"

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Insert: "may be split in proportion to each taxpayer's share of the contribution, subject to the maximum credit limitation in subsection (2)"

4. Page 1, line 28.

Following: line 27

Insert: "qualifying"

Strike: "by"

Insert: "between January 1 and"

5. Page 1, line 29.

Following: "department of"

Insert: "an estimate of"

Following: "amount of"

Insert: "qualifying"

6. Page 1, line 30.

Following: "provider"

Insert: "during the tax year"

7. Page 2, line 4.

Following: "shall make the"

Insert: "qualifying"

8. Page 2, line 7.

Following: the first "the"

Insert: "qualifying"

Following: "preapproved"

Insert: "qualifying"

9. Page 2, line 8.

Following: "limit"

Insert: "in subsection (2)"

10. Page 2, line 9.

Following: "As used in"

Insert: "[section 2] and"

11. Page 2, line 23.

Following: line 22

Insert: "(c) "Qualifying tuition payment" means a payment of tuition and fees to a qualified education provider for an eligible student."

12. Page 2, line 25.

Strike: ", as defined in [section 1],"

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13. Page 2, line 26.

Following: "amount of the"

Insert: "qualifying"

Following: "tuition"

Strike: "paid"

Insert: "payment made"

14. Page 2, line 27.

Strike: ", as defined in [section 1],"

15. Page 2, line 29.

Following: "the"

Insert: "qualifying"

16. Page 3, line 3.

Strike: "(1) [Section 1] is"

Insert: "[Sections 1 and 2] are"

17. Page 3, line 4 through line 5.

Strike: "[section 1]"

Insert: "[sections 1 and 2]"

18. Page 3, line 6 through line 7.

Strike: line 6 through line 7

And, as amended, do pass. Report adopted.

HB 288, introduced bill, be amended as follows:

1. Page 3.

Strike: "enroll" on line 2 through "and" on line 4

Following: "instruction" on line 4

Insert: "and the resident school district of each child participating in the Montana special education savings account program"

2. Page 3, line 10.

Strike: "and"

3. Page 3, line 12.

Following: "account"

Insert: "; and

(e) ensure that the student participates in annual state assessment testing or another nationally recognized assessment and annually report the student's scores to the superintendent of public instruction. The resident school district may not include these scores in its assessment reports"

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4. Page 3, line 20.

Following: "cause;"

Insert: "and"

5. Page 3, lines 21 and 22.

Strike: "; and" on line 21 through "(3)]" on line 22

6. Page 5, lines 14 through 17.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

7. Page 6, line 5.

Strike: subsection (d) in its entirety

Renumber: subsequent subsections

8. Page 6, line 8.

Strike: subsection (g) in its entirety

Renumber: subsequent subsections

9. Page 6, line 15.

Strike: subsection (n) in its entirety

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

HB 315, introduced bill, be amended as follows:

1. Title, page 1, line 15.

Strike: "ALLOWING" on line 14 through "PROGRAMS;"

2. Title, page 1, line 17.

Strike: "19-20-101, 19-20-302,"

3. Page 7, line 29.

Strike: "legislative auditor"

Insert: "the education and local government interim committee"

4. Page 9, line 28.

Strike: "legislative auditor"

Insert: "education and local government interim committee"

5. Page 18, line 6.

Strike: "legislative auditor"

Insert: "education and local government interim committee"

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6. Page 23, lines 2 and 3.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

7. Page 31, line 17, through page 38, line 16.

Strike: section 20 through section 24 in their entirety

Renumber: subsequent sections

8. Page 48, line 4.

Following: "commission"

Insert: "for the biennium beginning July 1, 2013,"

9. Page 48, lines 8 through 10.

Strike: section 32 in its entirety

Insert: "NEW SECTION. Section 27. Nonseverability. It is the intent of the legislature that each part of [this act] is essentially dependent upon every other part, and if one part is held unconstitutional or invalid, all other parts are invalid."

10. Page 48, line 18 through line 23.

Strike: subsection (2) through subsection (4) in their entirety

Renumber: subsequent subsections

11. Page 48, line 24.

Strike: "30"

Insert: "25"

And, as amended, do pass. Report adopted.

JUDICIARY (Kerns, Chair):

2/7/2013

HB 275, do pass. Report adopted.

STATE ADMINISTRATION (Ingraham, Chair):

2/7/2013

HB 105, do pass. Report adopted.

HB 158, do pass. Report adopted.

HB 277, do pass. Report adopted.

HB 325, do pass. Report adopted.

HB 351, do pass. Report adopted.

TAXATION (Miller, Chair):

2/7/2013

HB 88, introduced bill, be amended as follows:

1. Title, page 1, line 7 through line 8.

Following: "PARTNERS OF"

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Strike: "LIMITED LIABILITY"

2. Page 2, line 23.

Strike: "(a) Each partner of"

Insert: "An individual who is a partner in"

3. Page 2, line 24.

Strike: ", taxes, penalties, and interest"

Insert: "and taxes"

Strike: "while a partner"

Insert: "to the extent that the partner has access to the requisite records and is jointly and severally liable for unpaid taxes, penalties, and interest pursuant to 15-1-216 upon a determination that the partner:

(a) possessed the responsibility to file statements and pay taxes on behalf of the partnership; and

(b) possessed the responsibility on behalf of the partnership for directing the filing of tax statements or the payment of other partnership obligations and exercised that responsibility in a manner resulting in the partnership's failure to file statements required by this part or pay taxes due as required by this part"

4. Page 2, line 25.

Strike: "(b)"

Insert: "(6)(a)"

5. Page 2, line 27.

Strike: "any" through "member"

Insert: "filing statements to the extent that the member has access to the requisite records and is jointly and severally liable for unpaid taxes, penalties, and interest pursuant to 15-1-216 upon a determination that the member:

(i) possessed the responsibility to file statements and pay taxes on behalf of the limited liability company; and

(ii) possessed the responsibility on behalf of the limited liability company for directing the filing of tax statements or the payment of other limited liability company obligations and exercised that responsibility in a manner resulting in the limited liability company's failure to file statements required by this part or pay taxes due as required by this part"

6. Page 2, line 28.

Strike: "(c) The"

Insert: "(b) Pursuant to subsection (6)(a), the"

7. Page 2, line 29 through line 30.

Strike: ", for" on line 29 through "member" on line 30

8. Page 3, line 1.

Strike: "(d) Each"

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Insert: "(c) Pursuant to subsection (6)(a), each"

9. Page 3, line 2 through line 3.

Strike: ", for" on line 2 through "manager" on line 3

10. Page 3, line 4.

Following: line 3

Insert: "(7) In the case of a limited liability company bankruptcy, the liability of the responsible individual remains unaffected by the discharge of penalty and interest against the limited liability company. The responsible individual remains liable for any statements and for the amount of taxes, penalties, and interest unpaid by the limited liability company."

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

HB 272, do pass. Report adopted.

MESSAGES FROM THE SENATE

House bill concurred in and returned to the House: 2/6/2013

HB 56, introduced by Noonan

Senate bills passed and transmitted to the House for concurrence: 2/6/2013

SB 150, introduced by Driscoll

SB 164, introduced by Keane

SB 194, introduced by Blewett

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 395, introduced by Wagoner, G. Bennett, Galt, Lavin, White, referred to Agriculture.

HB 396, introduced by Lang, Galt, Hagan, Randall, Redfield, Warburton, referred to Agriculture.

HB 397, introduced by Schwaderer, B. Bennett, referred to State Administration.

HB 398, introduced by Kary, Facey, L. Jones, Price, Tutvedt, referred to Transportation.

HB 399, introduced by Ballance, Cuffe, Thomas, Vincent, Woods, referred to Human Services.

HB 400, introduced by Zolnikov, Arntzen, Augare, B. Bennett, G. Bennett, Boulanger, Buttrey, Coffin, Court, Doane, Driscoll, Edmunds, Fielder, Fiscus, Fitzpatrick, Hagan, Jent, Kary, Kerns, Lenz, MacDonald, McCarthy, Miller, O'Hara, Olson, Osmundson, Pease-Lopez, Redfield, Regier, Schreiner, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Webb, Wilmer, referred to Business and Labor.

HB 401, introduced by Welborn, Ankney, B. Bennett, Blewett, Brenden, T. Brown, Cook, Curtis, Ehli, Flynn, Glimm, Hamlett, Hollenbaugh, Jacobson, Keane, Larsen, MacDonald, Miller, Murphy,

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Peterson, Pomnichowski, Priest, Reichner, Sesso, Shaw, Vincent, Whitford, Wittich, referred to Fish, Wildlife and Parks.

HB 402, introduced by Hunter, Arntzen, Arthun, Augare, Blasdel, Boland, Brenden, D. Brown, Buttrey, Clark, Cook, Fitzpatrick, Greef, Hill, Hollenbaugh, Ingraham, Jackson, Malek, McChesney, McNally, Neill, O'Hara, Olson, Pierson, Pomnichowski, Priest, Ripley, Steenberg, Thomas, Tutvedt, Wanzenried, Welborn, Williams, Wittich, referred to Business and Labor.

HB 403, introduced by Hill, Murphy, referred to Judiciary.

HB 404, introduced by Flynn, Harris, Jacobson, Redfield, C. Smith, referred to Fish, Wildlife and Parks.

HB 405, introduced by Hagan, referred to Business and Labor.

HB 406, introduced by Knudsen, Doane, Halvorson, Lang, Randall, C. Smith, referred to Federal Relations, Energy, and Telecommunications.

HB 407, introduced by Knudsen, Lang, C. Smith, referred to Fish, Wildlife and Parks.

HB 408, introduced by Miller, Ankney, Blasdel, Fitzpatrick, Hagan, D. Jones, Kary, Lang, Lenz, Rosendale, C. Smith, Zolnikov, referred to Taxation.

HB 409, introduced by Wilson, referred to Local Government.

The following Senate bill was introduced, read first time, and referred to committee:

SB 90, introduced by Olson (by request of the Energy and Telecommunications Interim Committee), referred to Federal Relations, Energy, and Telecommunications.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Majority Leader Vance moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hertz in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 176 - Representative Halvorson moved **HB 176** do pass. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Clark, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McChesney, Miller, Moore, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Salomon, Schwaderer, Shaw, B. Smith, C. Smith, Vance, Wagoner, Warburton, Washburn, Welborn, White, Zolnikov, Mr. Speaker.

Total 58

Nays: B. Bennett, Boland, Boss Ribs, Brockie, Coffin, Connell, Cook, Court, Curtis, Dudik, Eck, Gursky, Hill, Hollandsworth, Hollenbaugh, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McClafferty, McNiven, Mehlhoff, Neill, Noonan, Pease-Lopez, Peppers, Pierson,

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Pomnichowski, Price, Reichner, Schreiner, Squires, Steenberg, Swanson, Whitford, Williams, Wilmer, Wilson, Woods.
Total 41

Voted Absentee: Warburton, Aye; Boss Ribs, Squires, No.

Excused: None.
Total 0

Absent or not voting: McNally.
Total 1

HB 177 - Representative Halvorson moved **HB 177** do pass. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Clark, Connell, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McChesney, Miller, Moore, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Salomon, Schwaderer, Shaw, B. Smith, C. Smith, Vance, Wagoner, Warburton, Washburn, Welborn, White, Zolnikov, Mr. Speaker.
Total 59

Nays: B. Bennett, Boland, Boss Ribs, Brockie, Coffin, Cook, Court, Curtis, Dudik, Eck, Gursky, Hill, Hollandsworth, Hollenbaugh, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McClafferty, McNally, McNiven, Mehlhoff, Neill, Noonan, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Reichner, Schreiner, Squires, Steenberg, Swanson, Whitford, Williams, Wilmer, Wilson, Woods.
Total 41

Voted Absentee: Warburton, Aye; Boss Ribs, Squires, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 181 - Representative Ballance moved **HB 181** do pass. Motion carried as follows:

Yeas: Ballance, J. Bennett, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, Miller, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Schwaderer, C. Smith, Vance, Wagoner, Warburton, Washburn, White, Zolnikov, Mr. Speaker.

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Total 54

Nays: Ankney, Bangerter, B. Bennett, Berry, Boland, Boss Ribs, Brockie, Coffin, Court, Curtis, Dudik, Eck, Gursky, Hill, Hollenbaugh, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Moore, Neill, Noonan, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Salomon, Schreiner, Shaw, B. Smith, Squires, Steenberg, Swanson, Welborn, Whitford, Williams, Wilmer, Wilson, Woods.

Total 46

Voted Absentee: Warburton, Aye; Boss Ribs, Squires, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 228 - Representative Randall moved **HB 228** do pass. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Clark, Connell, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hoven, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McChesney, Miller, Moore, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Salomon, Schwaderer, Shaw, B. Smith, C. Smith, Vance, Wagoner, Warburton, Washburn, Welborn, White, Zolnikov, Mr. Speaker.

Total 59

Nays: B. Bennett, Boland, Boss Ribs, Brockie, Coffin, Cook, Court, Curtis, Dudik, Eck, Gursky, Hill, Hollandsworth, Hollenbaugh, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McClafferty, McNally, McNiven, Mehlhoff, Neill, Noonan, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Reichner, Schreiner, Squires, Steenberg, Swanson, Whitford, Williams, Wilmer, Wilson, Woods.

Total 41

Voted Absentee: Warburton, Aye; Boss Ribs, Squires, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 262 - Representative Hill moved **HB 262** do pass. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie,

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Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 96

Nays: J. Bennett, Doane, Kerns, Regier.

Total 4

Voted Absentee: Boss Ribs, Squires, Warburton, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 291 - Representative Kerns moved **HB 291** do pass. Motion carried as follows:

Yeas: Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 99

Nays: Ankney.

Total 1

Voted Absentee: Boss Ribs, Squires, Warburton, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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HB 320 - Representative B. Bennett moved **HB 320** do pass. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.
Total 100

Nays: None.
Total 0

Voted Absentee: Boss Ribs, Squires, Warburton, Aye.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 3 - Representative O'Neil moved **HJR 3** be adopted. Motion carried as follows:

Yeas: Ankney, Ballance, J. Bennett, Blyton, Brodehl, Clark, Connell, Cuffe, Doane, Edmunds, Ehli, Fiscus, Flynn, Galt, Glimm, Greef, Hagan, Hagstrom, Halvorson, Hansen, Hertz, Hollandsworth, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, Miller, Moore, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, C. Smith, Vance, Wagoner, Warburton, Washburn, White, Zolnikov, Mr. Speaker.
Total 53

Nays: Bangerter, B. Bennett, Berry, Boland, Boss Ribs, Brockie, Coffin, Cook, Court, Curtis, Dudik, Eck, Fitzpatrick, Gibson, Gursky, Hill, Hollenbaugh, Hoven, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Neill, Noonan, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Schreiner, B. Smith, Squires, Steenberg, Swanson, Welborn, Whitford, Williams, Wilmer, Wilson, Woods.
Total 46

Voted Absentee: Warburton, Aye; Boss Ribs, Squires, No.

Excused: None.

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Total 0

Absent or not voting: Harris.

Total 1

HJR 7 - Representative Connell moved **HJR 7** be adopted. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Clark, Connell, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Galt, Glimm, Greef, Hagan, Halvorson, Hansen, Hertz, Hollandsworth, Howard, Ingraham, Jones, Knudsen, Lang, Laszloffy, Lavin, Lenz, McChesney, McNiven, Mehlhoff, Miller, Moore, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Shaw, C. Smith, Vance, Wagoner, Warburton, Washburn, Welborn, White, Zolnikov, Mr. Speaker.

Total 54

Nays: B. Bennett, Boland, Boss Ribs, Brockie, Coffin, Cook, Court, Curtis, Dudik, Eck, Flynn, Gibson, Gursky, Hagstrom, Harris, Hill, Hollenbaugh, Hoven, Hunter, Jacobson, Kary, Kerns, Lieser, Lynch, MacDonald, McCarthy, McClafferty, McNally, Neill, Noonan, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Schreiner, Schwaderer, B. Smith, Squires, Steenberg, Swanson, Whitford, Williams, Wilmer, Wilson, Woods.

Total 46

Voted Absentee: Warburton, Aye; Boss Ribs, Squires, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

SB 39 - Representative Williams moved **SB 39** be concurred in. Motion carried as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Boss Ribs, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Squires, Steenberg, Swanson, Vance, Wagoner, Warburton, Washburn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 99

Nays: None.

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Total 0

Voted Absentee: Boss Ribs, Squires, Warburton, Aye.

Excused: None.

Total 0

Absent or not voting: Welborn.

Total 1

Majority Leader Vance moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker presiding. Chair Hertz moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, C. Smith, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 93

Nays: B. Bennett, Court.

Total 2

Voted Absentee: None.

Excused: Boss Ribs, Squires, Warburton.

Total 3

Absent or not voting: Boland, B. Smith.

Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 71 passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Blyton, Boland, Brockie, Clark,

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Coffin, Connell, Cook, Court, Curtis, Dudik, Eck, Ehli, Flynn, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Hunter, Ingraham, Jacobson, Jones, Kary, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, Steenberg, Swanson, Wagoner, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov.

Total 79

Nays: Berry, Brodehl, Cuffe, Doane, Edmunds, Fiscus, Fitzpatrick, Galt, Hansen, Harris, Howard, Kerns, Knudsen, Randall, Redfield, C. Smith, Vance, Mr. Speaker.

Total 18

Voted Absentee: None.

Excused: Boss Ribs, Squires, Warburton.

Total 3

Absent or not voting: None.

Total 0

HB 89 passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Whitford, Williams, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 96

Nays: None.

Total 0

Voted Absentee: None.

Excused: Boss Ribs, Squires, Warburton.

Total 3

Absent or not voting: Wilmer.

Total 1

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HB 195 passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 97

Nays: None.

Total 0

Voted Absentee: None.

Excused: Boss Ribs, Squires, Warburton.

Total 3

Absent or not voting: None.

Total 0

HB 200 passed as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Brockie, Brodehl, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 95

Nays: O'Neil.

Total 1

Voted Absentee: None.

Excused: Boss Ribs, Squires, Warburton.

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Total 3

Absent or not voting: Clark.

Total 1

HB 239 passed as follows:

Yeas: Ankney, Ballance, Bangerter, J. Bennett, Berry, Blyton, Brodehl, Clark, Connell, Cook, Cuffe, Doane, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Glimm, Greef, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hollandsworth, Howard, Ingraham, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, McNiven, Miller, O'Hara, O'Neil, Osmundson, Randall, Redfield, Regier, Reichner, Salomon, Schwaderer, Shaw, C. Smith, Vance, Wagoner, Washburn, Welborn, White, Zolnikov, Mr. Speaker.

Total 56

Nays: B. Bennett, Boland, Brockie, Coffin, Court, Curtis, Dudik, Eck, Gibson, Gursky, Hagan, Hill, Hollenbaugh, Hoven, Hunter, Jacobson, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, Mehlhoff, Moore, Neill, Noonan, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Schreiner, B. Smith, Steenberg, Swanson, Whitford, Williams, Wilmer, Wilson, Woods.

Total 41

Voted Absentee: None.

Excused: Boss Ribs, Squires, Warburton.

Total 3

Absent or not voting: None.

Total 0

SB 15 concurred in as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.

Total 97

Nays: None.

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Total 0

Voted Absentee: None.

Excused: Boss Ribs, Squires, Warburton.
Total 3

Absent or not voting: None.
Total 0

SB 16 concurred in as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.
Total 97

Nays: None.
Total 0

Voted Absentee: None.

Excused: Boss Ribs, Squires, Warburton.
Total 3

Absent or not voting: None.
Total 0

SB 30 concurred in as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Brockie, Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli, Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson, Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, Steenberg, Swanson, Vance,

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Wagoner, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov,
Mr. Speaker.
Total 93

Nays: Kerns, O'Neil, Redfield, C. Smith.
Total 4

Voted Absentee: None.

Excused: Boss Ribs, Squires, Warburton.
Total 3

Absent or not voting: None.
Total 0

SB 32 concurred in as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Brockie,
Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli,
Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson,
Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham,
Jacobson, Jones, Kary, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald,
McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan,
O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall,
Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith,
Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Whitford, Williams,
Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.
Total 96

Nays: Kerns.
Total 1

Voted Absentee: None.

Excused: Boss Ribs, Squires, Warburton.
Total 3

Absent or not voting: None.
Total 0

SB 87 concurred in as follows:

Yeas: Ankney, Ballance, Bangerter, B. Bennett, J. Bennett, Berry, Blyton, Boland, Brockie,
Brodehl, Clark, Coffin, Connell, Cook, Court, Cuffe, Curtis, Doane, Dudik, Eck, Edmunds, Ehli,
Fiscus, Fitzpatrick, Flynn, Galt, Gibson, Glimm, Greef, Gursky, Hagan, Hagstrom, Halvorson,

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Hansen, Harris, Hertz, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Jacobson, Jones, Kary, Kerns, Knudsen, Lang, Laszloffy, Lavin, Lenz, Lieser, Lynch, MacDonald, McCarthy, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Miller, Moore, Neill, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peppers, Pierson, Pomnichowski, Price, Randall, Redfield, Regier, Reichner, Salomon, Schreiner, Schwaderer, Shaw, B. Smith, C. Smith, Steenberg, Swanson, Vance, Wagoner, Washburn, Welborn, White, Whitford, Williams, Wilmer, Wilson, Woods, Zolnikov, Mr. Speaker.
Total 97

Nays: None.
Total 0

Voted Absentee: None.

Excused: Boss Ribs, Squires, Warburton.
Total 3

Absent or not voting: None.
Total 0

MOTIONS

Majority Leader Vance moved **HB 176** be moved from the Committee of the Whole to the Appropriations committee.

Majority Leader Vance moved **HB 177** be moved from the Committee of the Whole to the Appropriations committee.

Majority Leader Vance moved **HB 228** be moved from the Committee of the Whole to the Appropriations committee.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Vance moved that the House adjourn until 1:00 p.m., Friday, February 8, 2013.
Motion carried.

House adjourned at 2:30 p.m.

LINDSEY GROVOM
Chief Clerk of the House

MARK BLASDEL
Speaker of the House